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STATE OF TEXAS
COUNTY OF HAYS

AGREEMENT REGARDING UTILITY EASEMENTS
AND WATER MAIN RELOCATIONS IN AID OF
SPRINGLAKE WATER SYSTEM IMPROVEMENTS

KNOW ALL PERSONS BY THESE PRESENTS: DOC# 397741

That this Agreement is made and entered into on this 25th day of March, 1996, by and between the City of San Marcos, a municipal corporation organized under the laws of the State of Texas (hereinafter referred to as "City"), Elim Water Company, Inc., a Texas Corporation (hereinafter referred to as "Elim") and Reece and Beverly Morrison, as individual landowners (hereinafter referred to as "Morrison") for the following purposes and consideration:

Whereas the Morrison are owners of two tracts of land legally described as follows:

9.10 acres of land out of the J.M. Veramendi Survey No. Two (2), in Hays County, Texas being more particularly described by metes and bounds in Attachment "A", to this Agreement.

10.58 acres of land out of the J.M. Veramendi Survey No. Two (2), in Hays County, Texas, being more particularly described by metes and bounds in Attachment "B", to this Agreement.

Whereas Elim currently holds numerous utility easements covering the Morrison's land.

Whereas the Morrison desire to eliminate or consolidate as many easements as possible that affect their property.

Whereas the City desires to expand transmission of water to the area for the public safety, health and welfare and in so proceeding needs a utility easement for the location of a transmission main on the Morrison's property.

In light of these facts, the Morrison hereby agree to grant in perpetuity, a water line easement and an access easement to Elim, as dedicated in Attachment "C" and a public utility easement and an access easement in perpetuity, to the City, as dedicated in Attachment "D".

In consideration for its water line easement and access easement, Elim will return its interest in all previously acquired easements across the Morrison's property to the Morrison through a quitclaim deed in the form attached as Attachment "E." This quitclaim deed will be signed by Elim within five (5) working days after its water line relocation has been tested and approved by

OFFICIAL PUBLIC RECORDS
Hays County, Texas

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the City's Inspector or, if Elim relocates the water line, Elim will sign the quitclaim deed within five (5) days after receipt of payment by the City.

In consideration of Elim's cooperation, the City agrees, at Elim's option, to either reimburse Elim for the cost of relocating Elim's existing 2 inch water main which currently cuts across the Morrison's property or to have the City's contractor complete the relocation. This item will be bid at the time the City bids its project and the City will immediately notify Elim by certified mail of the bid price for the relocation. Within ten (10) work days of the receipt of notice from the City, Elim shall notify the City whether it wants the City's contractor to complete the work or whether it wants reimbursement. Should Elim elect to be reimbursed, the City will pay Elim the bid price for the relocation within 20 working days of issuance of notice to proceed by the Contractor.

Prior to the release of this project for bids, the City will submit to Elim by certified mail the plan for relocation of the two inch (2") water main to Elim for review and approval. Within ten (10) working days of receipt of the plan, Elim shall submit its approval subject to any changes required by Elim. Such approval shall not be unreasonably withheld. The process of relocating Elim's two inch (2") water main or reimbursing for relocation of Elim's two inch (2") water main shall include, at the City's expense, the relocation of existing water meters that will be affected and the installation of a two inch (2") water line in a twelve (12) inch diameter carrier pipe under Post Road.

In consideration for its public utility easement and access easement, the City, by agreeing to relocate Elim's two inch (2") water main which crosses Morrisons' property, has facilitated Elim's agreement to release its interest in previously acquired easements crossing Morrisons' property.

By this Agreement, Elim does not relinquish any right to serve the retail service area granted to it by its Certificate of Convenience and Necessity ("CCN"). Furthermore, the City's water main will not provide retail service in Elim's service area as defined by Elim's CCN.

This Agreement shall be subject to all valid and applicable rules, regulations, laws, and agreements, of or with the United States of America, the State of Texas, or any governmental body, agency or court having lawful jurisdiction thereof, so long as such do not have the effect of voiding or negating the rights and obligations of the parties hereunder.

If, by reason of a force majeure, any party hereto shall be rendered wholly or partially unable to carry out its obligations under this Agreement, then such party shall give written notice of the full particulars of such force majeure to the other parties within a reasonable time after the occurrence thereof. The obligations of the party giving such notice, to the extent affected by such force majeure, shall be suspended during the continuance of the inability claimed, except as hereinafter provided, but for no longer period, and any such party shall endeavor to remove or overcome such inability with all reasonable dispatch.

The term "force majeure", as employed herein, shall mean and refer to acts of God, strikes, lockouts, or other industrial disturbances, acts of public enemies, orders of any kind of the Government of the United States, the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, civil disturbances, explosions, breakage or accidents to machinery, pipelines, or canals, or other causes not reasonably within the control of the party claiming such inability.

Attached to this Agreement as Attachments "F" and "G" are the resolutions of the City and Elim authorizing this Agreement.

This Agreement together with all Attachments, constitutes the entire agreement between the parties hereto and may not be amended except by a writing signed by all parties and dated subsequent to the date hereof and shall be binding upon the heirs, administrators, successors and assigns of the parties. No assignment of this Agreement by any party shall be valid unless written notification is given to the other parties prior to such assignment.

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No failure of any party to exercise any power given to that party hereunder, or to insist upon strict compliance by any party with its obligations hereunder, and no custom or practice of the parties at variance with the terms hereof shall constitute a waiver of any party's right to demand exact compliance with the terms hereof, except to the extent stated herein.

This Agreement is for the sole benefit of the parties hereto, their successors and assigns.

All of the parties to this Agreement represent that each of the persons executing this Agreement have full power and authority to so act.

The effective date of this Agreement shall be the date upon which the same is executed by the City of San Marcos.

SIGNED this 26th day of March, 1996.

THE CITY OF SAN MARCOS

BY: *Larry D. Gilley*
Larry D. Gilley, City Manager

Address:
630 East Hopkins Street
San Marcos, TX 78666

Reece Morrison
Reece Morrison

Beverly Morrison
Beverly Morrison

Address:
1800 Post Road
San Marcos, TX 78666

ELIM WATER COMPANY, INC.

BY: *Ruth Ann Hoch*
Ruth Ann Hoch, President

Address:
302 W. Hopkins Street
Suite 2
P. O. Box 1229
San Marcos, TX 78667-1229

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1218 742

FIELD NOTE DESCRIPTION OF A SURVEY OF 9.10 ACRES OF LAND AREA
IN THE J.M. VERAMENDI SURVEY NUMBER TWO, HAYS COUNTY, TEXAS
BEING A PART OF THAT 79.81 ACRE TRACT CONVEYED BY DONIE TUCKER
TO WILLIE LEE TOLBERT BY DEED DATED JUNE 8, 1928 AND RECORDED
IN VOLUME 116 PAGE 582 OF THE HAYS COUNTY DEED RECORDS, AND
BEING PART OF THAT TRACT CONVEYED BY LEONARD PARKER, TRUSTEE TO JIMMY
C. PARKER, ET UX BY DEED DATED MAY 25, 1966 AND RECORDED IN
VOLUME 211 PAGE 569 OF THE HAYS COUNTY DEED RECORDS AND IS MORE
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a fence corner post for the westerly south corner
of this tract, a salient corner in the southwest line of the
Tolbert tract and the Parker tract, and a northern re-entrant
corner of that tract conveyed by C.C. McNeil, et ux to Alonzo
Hardge by deed dated August 8, 1944 and recorded in Volume 130
Page 314 of the Hays County Deed Records;

THENCE with the northeast line of the Hardge tract and the
southwest line of the Tolbert and Parker tracts as fenced and
used upon the ground, the following calls numbered one through
three:

1. N46°07'W 146.89 feet,
2. N47°20'W 56.25 feet, and
3. N53°58'W 22.45 feet to a fence corner post for the west
corner of this tract on the east line of Old Post Road
under an overhead power line, pass at 11 feet a trail;

THENCE leaving the common line of the Hardge tract and the Parker
tract with the east line of Old Post Road as fenced and used upon
the ground the following calls one and two:

1. N04°59'W 275.99 feet, pass at 140 feet a road, at 253
feet an overhead utility line, and
2. N01°17'W 327.26 feet to a fence post for the southwest
corner of a 7.79 acre tract conveyed by Leonard Parker,
Trustee to James L. Roberts, Jr., et ux by deed dated
April 14, 1966 and recorded in Volume 211 Page 118 of
the Hays County Deed Records, pass at 62 feet an overhead
utility line;

THENCE leaving the east line of Old Post Road with the southeast
line of the 7.79 acre Roberts tract as fenced and used upon the
ground, N65°19'E 315.73 feet, pass at about 7 feet an overhead
utility line;

THENCE S44°34'E 589.24 feet to an iron rod set for the east
corner of this tract on the northwest line of the International
and Great Northern Railroad as determined from Right-of-Way and
Track Map of International and Great Northern Railway dated
June 30, 1917;

THENCE with the northwest line of the International and Great
Northern Railroad the following calls one and two:

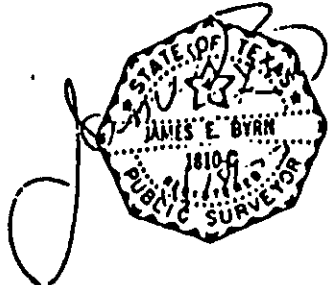
1. S35°09'W 219.79 feet to an iron rod set for the point
of curvature of a right-breaking curve, and
2. with a right-breaking curve having the following
characteristics: central angle 08°26'19", radius
1801.43 feet, arc length 265.32 feet, tangent length
132.90 feet, and a chord whose bearing and length are
S39°23'W 265.08 feet to an iron rod set under fence on

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the southwest line of the Parker tract and on the
northeast line of the Hargge tract as fenced;

THENCE with the common line of the Parker tract and the Hargge
tract as fenced and used upon the ground the following calls one
and two:

1. N43°56'W 79.84 feet, and
2. S47°35'W 207.88 feet to the PLACE OF BEGINNING, pass at
4 feet an overhead utility line. There are contained within these
metes and bounds 9.10 acres of land area as surveyed on the ground
during August 1976 under the direction of James E. Byrn, Registered
Public Surveyor Number 1810-C of San Marcos, Texas.



1218 743

Client: Parker, Jimmy
Date: November 18, 1977
Survey: Veramendi Number 2, J.M.
County: Hays, Texas
Job No. 384-3

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1218 744

FIELD NOTE DESCRIPTION OF A SURVEY OF 10.58 ACRES OF LAND AREA IN THE J.M. VERAMENDI SURVEY NUMBER TWO, HAYS COUNTY, TEXAS BEING A PART OF THAT 79.81 ACRE TRACT CONVEYED BY DONIE TUCKER TO WILLIE LEE TOLBERT BY DEED DATED JUNE 8, 1928 AND RECORDED IN VOLUME 116 PAGE 592 OF THE HAYS COUNTY DEED RECORDS, AND BEING THAT TRACT CONVEYED BY LEONARD PARKER, TRUSTEE TO JIMMY C. PARKER, ET UX BY DEED DATED MAY 25, 1966 AND RECORDED IN VOLUME 211 PAGE 569 OF THE HAYS COUNTY DEED RECORDS AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a corner fence post for the north corner of this tract and the east corner of the 7.79 acre Roberts tract, on the northeast line of the Parker tract and the 79.81 acre Tolbert tract, and on the southwest line of a 28.39 acre tract conveyed by the San Antonio Joint Stock Land Bank of San Antonio to Hattie Jennings by deed dated July 21, 1938 and recorded in Volume 117 Page 106 of the Hays County Deed Records;

THENCE leaving the 7.79 acre Roberts tract with the common line of the Parker tract and the 28.39 acre Jennings tract as fenced and used upon the ground the following calls one and two:

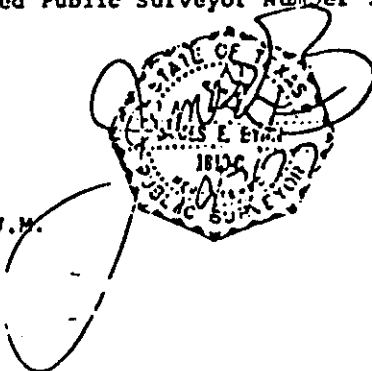
1. S44°34'E 721.32 feet, and
2. S45°10'E 110.75 feet to an iron rod set for the east corner of this tract on the northwest line of the International and Great Northern Railroad as determined from Right-of-way and Track Map of International and Great Northern Railway dated June 30, 1917;

THENCE leaving the common line of the Parker tract and the 28.39 acre Jennings tract with the northwest line of the International and Great Northern Railroad S35°09'W 660.26 feet to a point for the south corner of this tract;

THENCE leaving the northwest line of the International and Great Railroad N44°34'W 589.24 feet to a point on the common line of this tract and the afore-referenced Roberts 7.79 acre tract for the west corner of this tract;

THENCE with the common line of the Roberts 7.79 acre tract N16°19'E 742.30 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds 10.58 acres of land area as surveyed on the ground during August 1976 under the direction of James E. Byrn, Registered Public Surveyor Number 1810-C of San Marcos, Texas.

Client: Parker, Jimmy
Date: October 7, 1977
Survey: Veramendi Survey Number 2, J.M.
County: Hays, Texas
Job No. 394-3



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THE STATE OF TEXAS

1218 745

DEED DEDICATING WATER LINE EASEMENT AND ACCESS EASEMENT

THE COUNTY OF HAYS

KNOW ALL PERSONS BY THESE PRESENTS:

That We, REECE MORRISON and BEVERLY MORRISON, of the County of Hays, State of Texas, hereinafter referred to as GRANTORS, for the sum of Ten Dollars (\$10.00), in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, do hereby GRANT, SELL AND CONVEY unto the ELIM WATER COMPANY, INC., a Texas corporation existing by and under the laws of the State of Texas, its successors and assigns, hereinafter referred to as GRANTEE, an easement for the free and uninterrupted use, liberty, privilege and easement for a water pipe line together with its appurtenances (together known as "water line"), passing in, along and across that real property described in Exhibit "1" attached hereto, together with free ingress, egress and regress thereto and therefrom, for the purpose of enabling GRANTEE to place, install, construct, reconstruct, relocate, operate, repair and remove water lines and maintain water lines and their appurtenances, along, across, through, under and over said easement and an additional access easement granted for the purpose of enabling access to the water line easement. Said access easement shall pass in, along and across that real property described in Exhibit "2", attached hereto and made a part hereof for all purposes.

The easements herein granted and conveyed for right-of-way of a water line and access are intended to be, and shall be construed as covenants running with the land, binding upon the land described in the attached exhibits, and to the present and successive owners thereof.

TO HAVE AND TO HOLD the said easements, together with all of the rights herein granted, unto said GRANTEE, its successors and assigns, as long as the same shall be useful for the purposes of and desired by said GRANTEE, its successors and assigns, and GRANTORS bind themselves, their heirs, executors, successors and assigns, to warrant and forever defend all and singular said premises unto the GRANTEE, its successors and assigns, against every person whoever lawfully claiming or to claim the same or any part thereof.

Reece Morrison

REECE MORRISON

THE STATE OF TEXAS

THE COUNTY OF HAYS

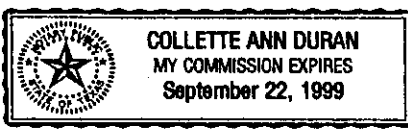
Before me, the undersigned authority, on this day personally appeared REECE MORRISON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purpose and consideration therein expressed.

Given under my hand and seal of office on this 21 day of February, 1998.

Notary Stamp

Collette Ann Duran

Notary's Signature
NOTARY PUBLIC - STATE OF TEXAS



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1218 746

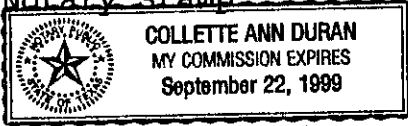
[Handwritten Signature]
BEVERLY MORRISON

THE STATE OF TEXAS
THE COUNTY OF HAYS

Before me, the undersigned authority, on this day personally appeared BEVERLY MORRISON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed same for the purpose and consideration therein expressed.

Given under my hand and seal of office on this 21 day of February, 1995. 6

Notary Stamp



Collette Ann Duran
Notary's Signature
NOTARY PUBLIC - STATE OF TEXAS

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DESCRIPTION OF 0.145 ACRES, MORE OR LESS, OF LAND AREA, IN THE J. M. VERAMENDI SURVEY NO. TWO, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT 9.10 ACRE TRACT DESCRIBED IN A DEED FROM JIMMY C. PARKER ET UX TO REECE MORRISON ET UX DATED NOVEMBER 23, 1977 AND RECORDED IN VOLUME 303, PAGE 635 OF THE HAYS COUNTY DEED RECORDS, AND BEING A PORTION OF THE INTERNATIONAL AND GREAT NORTHERN RAILROAD RECORD RIGHT-OF-WAY AS GRANTED TO IT IN A DEED DATED SEPTEMBER 20, 1871, AND RECORDED IN VOLUME H, PAGE 19 OF THE HAYS COUNTY DEED RECORDS (SAID PORTION OF THE RAILROAD RIGHT-OF-WAY HAVING BEEN UNDER FENCE AND OCCUPIED BY MORRISON AND PREVIOUS OWNERS) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at fence corner post for the southerly west corner of the Morrison tract and this tract in the east line of Old Post Road as fenced and used upon the ground;

THENCE leaving the PLACE OF BEGINNING as shown on that plat numbered 22585-89-A-1 dated May 11, 1993, as prepared for the City of San Marcos by Byrn & Associates, Inc. of San Marcos, Texas, with the common line, as fenced, of the Morrison tract and Old Post Road N 06° 07' 29" W 19.03 feet to an iron rod set for the north corner of this tract;

THENCE crossing the Morrison tract, the following five courses:

1. S 48° 23' 43" E 92.09 feet to an iron rod set,
2. S 47° 18' 10" E 117.97 feet to an iron rod set,
3. N 77° 07' 37" E 39.02 feet to an iron rod set,
4. N 46° 22' 48" E 181.04 feet to an iron rod set, and
5. S 45° 11' 26" E 141.29 feet to an iron rod set for the east corner of this tract in the common line, as fenced and used upon the ground, of the Morrison tract and the railroad right-of-way, pass at approximately 89 feet the record common line of the Morrison tract and the railroad right-of-way,

THENCE with said common line as fenced S 40° 59' 54" W 15.03 feet to a fence corner post for the occupied easterly south corner of the Morrison tract and the east corner of that tract described in a deed from C.C. McNeil et ux to Alonzo Hardge dated August 8, 1944 and recorded in Volume 130, Page 314 of the Hays County Deed Records;

THENCE with the common line, as fenced, of the Hardge tract and the Morrison tract, the following two courses:

1. N 45° 11' 26" W 132.70 feet to a fence corner post for a north corner of the Hardge tract and interior corner of the Morrison tract, pass at approximately 52 feet the record common line of the Morrison tract and the railroad right-of-way and
2. S 46° 22' 48" W 169.06 feet to an iron rod set for an angle point, from which a fence corner post for the westerly south corner of the Morrison tract and interior corner of the Hardge tract bears S 46° 22' 48" W 38.88 feet;

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THENCE crossing the corner of the Morrison tract S 77° 07' 37" W 47.04 feet to an iron rod set in the common line, as fenced and used upon the ground, of the Morrison tract and the Hardge tract, from which the fence corner post for the westerly south corner of the Morrison tract and interior corner of the Hardge tract bears S 47° 18' 10" E 24.10 feet;

THENCE with the common line, as fenced, of the Hardge tract and the Morrison tract, the following two courses:

1. N 47° 18' 10" W 123.14 feet to a fence post for an angle point and
2. N 48° 23' 43" W 55.53 feet to a fence corner post for the westerly north corner of the Hardge tract in the aforereferenced east line, as fenced, of old Post Road,

THENCE with the common line, as fenced, of the Morrison tract and old Post Road N 55° 31' 15" W 22.56 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds 0.145 acres, more or less, of land area as prepared from public records and surveys made on the ground during July, 1989 and May, 1993, by Byrn & Associates, Inc. of San Marcos, Texas. All iron rod set are 1/2" in diameter and have an aluminum cap with "Byrn & Assoc. Survey" stamped on it.


David C. Williamson, R.P.L.S. No. 4190

Client: San Marcos, City of
Date: May 11, 1993
Survey: Veramendi, J.M. No. 2
Co.: Hays, Tx.
Job No.: 22585-89
FND0x145

"MORRISON TRACT"
EXHIBIT "1"
Page 2 of 3
ATTACHMENT "C"
Page 4 of 8

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OLD POST ROAD

1218 749

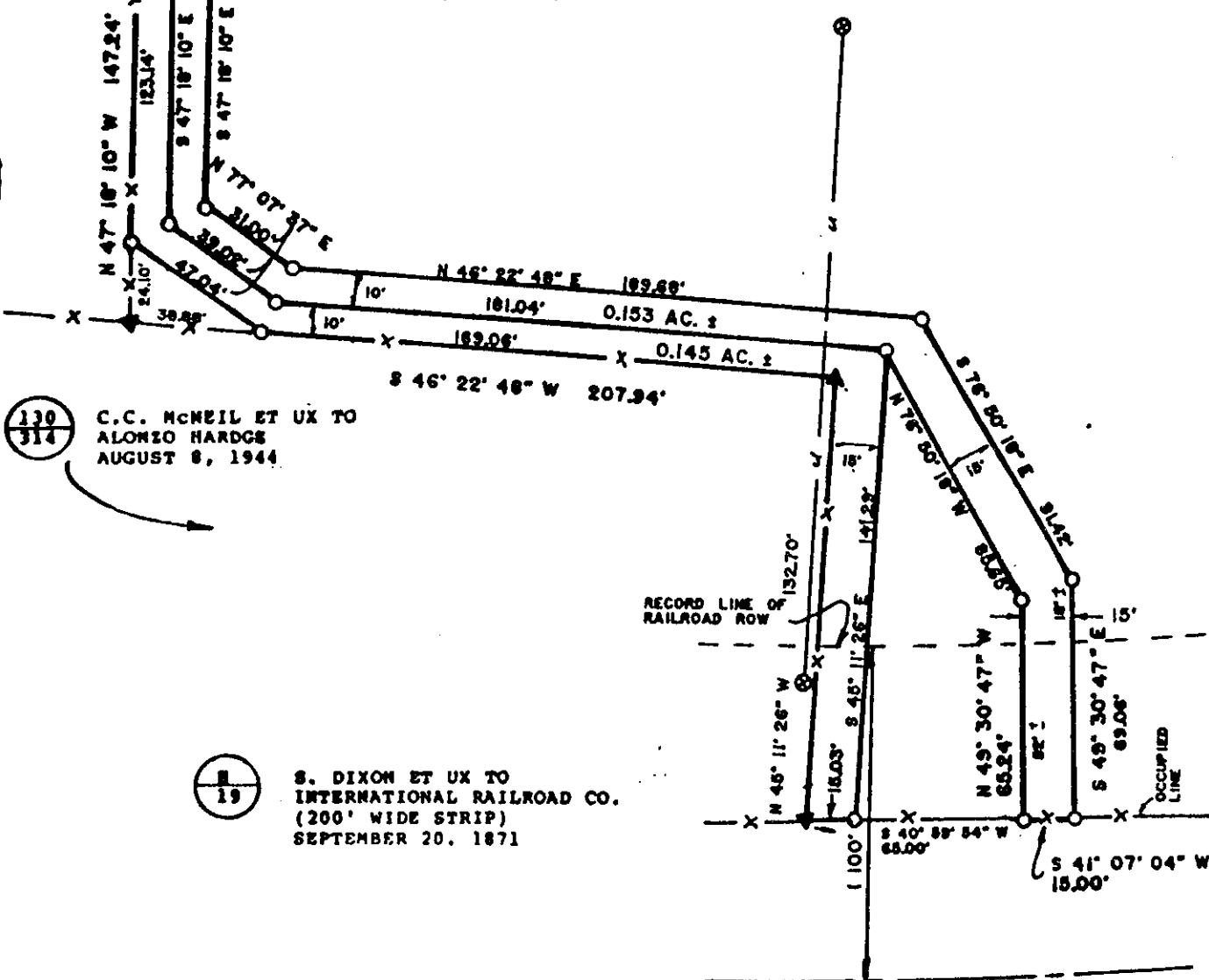
ORIGINAL SCALE
1" = 50'

LEGEND

- IRON ROD FOUND
- IRON ROD SET
- ▲ FENCE POST
- X — X — WIRE FENCE
- — — UTILITY POLE AND LINE
- ⊙ VOL PG HAYS COUNTY DEED RECORDS

303
635

JIMMY C. PARKER ET UX TO
REECE MORRISON ET UX
NOVEMBER 23, 1977
(9.10 AC.)



130
314

C.C. McNEIL ET UX TO
ALONZO HARDGE
AUGUST 8, 1944

19

S. DIXON ET UX TO
INTERNATIONAL RAILROAD CO.
(200' WIDE STRIP)
SEPTEMBER 20, 1871

I HEREBY STATE TO THE BEST OF MY
SKILL AND KNOWLEDGE: THAT THIS PLAT
IS TRUE AND CORRECT ACCORDING TO AN
ACTUAL SURVEY MADE ON THE GROUND
DURING JULY, 1989, AND MAY, 1993.

David C. Williamson
DAVID C. WILLIAMSON, R.P.L.S. NO. 4198



ENGINEERS SURVEYORS

201 South C.M. Allen Parkway
P.O. Box 1433
San Marcos, Texas 78667
(512) 396-1270

CLIENT: SAN MARCOS, CITY OF
DATE: MAY 11, 1993
OFFICE: WILLIAMSON
CREW: BRYANT, EVERETT
FB/PG: 343/13, 386/13
JOB NO.: 22585-89-A-1

EXHIBIT "1"
Page 3 of 3
ATTACHMENT "C"
Page 5 of 8

SURVEY OF 0.298 +/- ACRES IN
THE J.M. VERANNEDI SURVEY,
NO. 2, HAYS COUNTY, TEXAS.

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DESCRIPTION OF 0.153 ACRES, MORE OR LESS, OF LAND AREA, IN THE J. M. VERAMENDI SURVEY NO. TWO, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT 9.10 ACRE TRACT DESCRIBED IN A DEED FROM JIMMY C. PARKER ET UX TO REECE MORRISON ET UX DATED NOVEMBER 23, 1977, AND RECORDED IN VOLUME 303, PAGE 635 OF THE HAYS COUNTY DEED RECORDS AND BEING A PORTION OF THE INTERNATIONAL AND GREAT NORTHERN RAILROAD RECORD RIGHT-OF-WAY AS GRANTED TO IT IN A DEED DATED SEPTEMBER 20, 1871, AND RECORDED IN VOLUME H, PAGE 19 OF THE HAYS COUNTY DEED RECORDS (SAID PORTION OF THE RAILROAD RIGHT-OF-WAY HAVING BEEN UNDER FENCE AND OCCUPIED BY MORRISON AND PREVIOUS OWNERS) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at fence corner post for the southerly west corner of the Morrison tract in the east line of Old Post Road, as fenced and used upon the ground;

THENCE with the common line, as fenced, of the Morrison tract and Old Post Road N 06° 07' 29" W 19.03 feet to an iron rod set for the southerly west corner and PLACE OF BEGINNING of this tract;

THENCE leaving the PLACE OF BEGINNING as shown on that plat numbered 22585-89-A-1 dated May 11, 1993, as prepared for the City of San Marcos by Byrn & Associates, Inc. of San Marcos, Texas, and continuing with said common line N 06° 07' 29" W 14.87 feet to an iron rod set for the north corner of this tract;

THENCE crossing the Morrison tract, the following six courses:

1. S 48° 23' 43" E 103.19 feet to an iron rod set,
2. S 47° 18' 10" E 112.80 feet to an iron rod set,
3. N 77° 07' 37" E 31.00 feet to an iron rod set,
4. N 46° 22' 48" E 189.68 feet to an iron rod set,
5. S 76° 50' 18" E 91.42 feet to an iron rod set,
6. S 49° 30' 47" E 69.06 feet to an iron rod set for the east corner of this tract in the common line, as fenced and used upon the ground, of the Morrison tract and the railroad right-of-way, pass at approximately 17 feet the record common line of the Morrison tract and the railroad right-of-way,

THENCE with said common line as fenced S 41° 07' 04" W 15.00 feet to an iron rod set for the south corner of this tract, from which a fence corner post for the occupied easterly south corner of the Morrison tract and the east corner of that tract described in a deed from C.C. McNeil et ux to Alonzo Hardge dated August 8, 1944 and recorded in Volume 130, Page 314 of the Hays County Deed Records, bears S 40° 59' 54" W 65.00 feet;

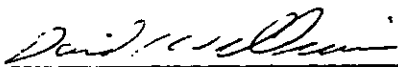
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THENCE re-crossing the Morrison tract, the following six courses:

1. N 49° 30' 47" W 65.24 feet to an iron rod set, pass at approximately 52 feet the record common line of the Morrison tract and the railroad right-of-way,
2. N 76° 50' 18" W 85.65 feet to an iron rod set,
3. S 46° 22' 48" W 181.04 feet to an iron rod set,
4. S 77° 07' 37" W 39.02 feet to an iron rod set,
5. N 47° 18' 10" W 117.97 feet to an iron rod set, and
6. N 48° 23' 43" W 92.09 feet to the PLACE OF BEGINNING.

There are contained within these metes and bounds 0.153 acres, more or less, of land area as prepared from public records and surveys made on the ground during July, 1989 and May, 1993 by Byrn & Associates, Inc. of San Marcos, Texas. All iron rod set are 1/2" in diameter and have an aluminum cap with "Byrn & Assoc. Survey" stamped on it.



David C. Williamson, R.P.L.S. No. 4190

Client: San Marcos, City of
Date: May 11, 1993
Survey: Veramendi, J.M. No. 2
Co.: Hays, Tx.
Job No.: 22585-89
PND0x153

"MORRISON TRACT"
EXHIBT "2"
Page 2 of 3
ATTACHMENT "C"
Page 7 of 8

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ORIGINAL SCALE
1" = 50'

OLD POST ROAD

LEGEND

- IRON ROD FOUND
- IRON ROD SET
- ▲ FENCE POST
- X — X — WIRE FENCE
- ⊙ — H — UTILITY POLE AND LINE
- ⊙ VOL PG HAYS COUNTY DEED RECORDS

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635

JIMMY C. PARKER ET UX TO
REECE MORRISON ET UX
NOVEMBER 23, 1977
(9.10 AC.)

130
J14

C.C. McNEIL ET UX TO
ALONZO HARDGE
AUGUST 8, 1944

19

S. DIXON ET UX TO
INTERNATIONAL RAILROAD CO.
(200' WIDE STRIP)
SEPTEMBER 20, 1871

RECORD LINE OF
RAILROAD ROW

OCCUPIED
LINE

CENTERLINE RAILROAD TRACKS

I HEREBY STATE TO THE BEST OF MY
SKILL AND KNOWLEDGE: THAT THIS PLAT
IS TRUE AND CORRECT ACCORDING TO AN
ACTUAL SURVEY MADE ON THE GROUND
DURING JULY, 1989, AND MAY, 1993.

David C. Williamson
DAVID C. WILLIAMSON, R.P.L.S. NO. 4196



ENGINEERS SURVEYORS

202 South C.M. Allen Parkway
P.O. Box 1433
San Marcos, Texas 78667
(512) 396-2270

CLIENT: SAN MARCOS, CITY OF
DATE: MAY 11, 1993
OFFICE: WILLIAMSON
CREW: BRYANT, EVERETT
FB/PG: 343/13, 306/13
JOB NO.: 22585-89-A-1

EXHIBIT "2"
Page 3 of 3
ATTACHMENT "C"
Page 8 of 8

SURVEY OF 0.298 +/- ACRES IN
THE J.M. VERANNEDI SURVEY,
NO. 2, HAYS COUNTY, TEXAS.

Rat

THE STATE OF TEXAS

DEED DEDICATING PUBLIC UTILITY
EASEMENT AND ACCESS EASEMENT

THE COUNTY OF HAYS

1218 753

KNOW ALL PERSONS BY THESE PRESENTS:

That We, REECE MORRISON and BEVERLY MORRISON, of the County of Hays, State of Texas, hereinafter referred to as Grantors, for the sum of Ten Dollars (\$10.00), in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, do hereby GRANT, SELL AND CONVEY in perpetuity unto the CITY OF SAN MARCOS, TEXAS, a municipal corporation located in Hays and Caldwell Counties, Texas, and existing by and under the laws of the State of Texas, with its office at 630 East Hopkins, San Marcos, Texas 78666, its successors and assigns, hereinafter referred to as Grantee, a public utility easement for water, wastewater, electricity and any and all other public utility purposes, on, over and across the following described real property located in San Marcos, Hays County, Texas, described in Exhibit "1" attached hereto and made a part hereof for all purposes, and an access easement granted for the purpose of enabling access to the public utility easement, passing on, over and across the real property described in Exhibit "2", attached hereto and made a part hereof for all purposes.

Said public utility easement is for the purpose of enabling Grantee to place, construct, install, repair and maintain and to have laid, constructed, reconstructed and maintained, water, wastewater, and electric and any and all other types of public utility structures, pipes, and/or lines along, across, through, under and over said easement, together with free ingress, egress and regress thereto and therefrom.

The easements herein granted and conveyed for public utility and access purposes are intended to be, and shall be construed as covenants running with the land, binding upon the land above described in the attached exhibits, and to the present and successive owners thereof, and inuring to the benefit of the general public having occasion to use the public utility systems of Grantee.

TO HAVE AND TO HOLD the said easement, together with all of the rights herein granted, unto said Grantee, its successors and assigns, as long as the same shall be useful for the purposes of and desired by said Grantee, its successors and assigns, and Grantor bind themselves and their heirs, executors, successors and assigns, to warrant and forever defend all and singular said premises to Grantee, its successors and assigns, against every person whomsoever claiming or to claim the same or any part thereof.

Reece Morrison

REECE MORRISON

THE STATE OF TEXAS

THE COUNTY OF HAYS

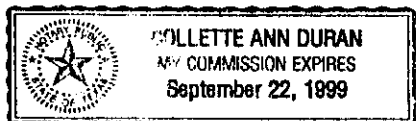
Before me, the undersigned authority, on this day personally appeared REECE MORRISON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purpose and consideration therein expressed.

Given under my hand and seal of office on this 21 day of February, 1995.6

Notary Stamp

Collette Ann Duran

Notary's Signature
NOTARY PUBLIC - STATE OF TEXAS



RAH

1218 754

Beverly Morrison
BEVERLY MORRISON

THE STATE OF TEXAS

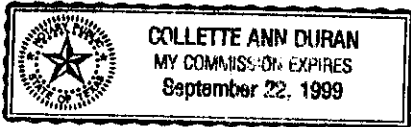
THE COUNTY OF HAYS

Before me, the undersigned authority, on this day personally appeared BEVERLY MORRISON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed same for the purpose and consideration therein expressed.

Given under my hand and seal of office on this 21 day of February, 1995.

Notary Stamp

Collette Ann Duran
Notary signature
NOTARY PUBLIC - STATE OF TEXAS



RAH

1218 755

DESCRIPTION OF 0.153 ACRES, MORE OR LESS, OF LAND AREA, IN THE J. M. VERAMENDI SURVEY NO. TWO, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT 9.10 ACRE TRACT DESCRIBED IN A DEED FROM JIMMY C. PARKER ET UX TO REECE MORRISON ET UX DATED NOVEMBER 23, 1977, AND RECORDED IN VOLUME 303, PAGE 635 OF THE HAYS COUNTY DEED RECORDS AND BEING A PORTION OF THE INTERNATIONAL AND GREAT NORTHERN RAILROAD RECORD RIGHT-OF-WAY AS GRANTED TO IT IN A DEED DATED SEPTEMBER 20, 1871, AND RECORDED IN VOLUME H, PAGE 19 OF THE HAYS COUNTY DEED RECORDS (SAID PORTION OF THE RAILROAD RIGHT-OF-WAY HAVING BEEN UNDER FENCE AND OCCUPIED BY MORRISON AND PREVIOUS OWNERS) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at fence corner post for the southerly west corner of the Morrison tract in the east line of Old Post Road, as fenced and used upon the ground;

THENCE with the common line, as fenced, of the Morrison tract and Old Post Road N 06° 07' 29" W 19.03 feet to an iron rod set for the southerly west corner and PLACE OF BEGINNING of this tract;

THENCE leaving the PLACE OF BEGINNING as shown on that plat numbered 22585-89-A-1 dated May 11, 1993, as prepared for the City of San Marcos by Byrn & Associates, Inc. of San Marcos, Texas, and continuing with said common line N 06° 07' 29" W 14.87 feet to an iron rod set for the north corner of this tract;

THENCE crossing the Morrison tract, the following six courses:

1. S 48° 23' 43" E 103.19 feet to an iron rod set,
2. S 47° 18' 10" E 112.80 feet to an iron rod set,
3. N 77° 07' 37" E 31.00 feet to an iron rod set,
4. N 46° 22' 48" E 189.68 feet to an iron rod set,
5. S 76° 50' 18" E 91.42 feet to an iron rod set,
6. S 49° 30' 47" E 69.06 feet to an iron rod set for the east corner of this tract in the common line, as fenced and used upon the ground, of the Morrison tract and the railroad right-of-way, pass at approximately 17 feet the record common line of the Morrison tract and the railroad right-of-way,

THENCE with said common line as fenced S 41° 07' 04" W 15.00 feet to an iron rod set for the south corner of this tract, from which a fence corner post for the occupied easterly south corner of the Morrison tract and the east corner of that tract described in a deed from C.C. McNeil et ux to Alonzo Hardge dated August 8, 1944 and recorded in Volume 130, Page 314 of the Hays County Deed Records, bears S 40° 59' 54" W 65.00 feet;


RAH

1218 756

THENCE re-crossing the Morrison tract, the following six courses:

1. N 49° 30' 47" W 65.24 feet to an iron rod set, pass at approximately 52 feet the record common line of the Morrison tract and the railroad right-of-way,
2. N 76° 50' 18" W 85.65 feet to an iron rod set,
3. S 46° 22' 48" W 181.04 feet to an iron rod set,
4. S 77° 07' 37" W 39.02 feet to an iron rod set,
5. N 47° 18' 10" W 117.97 feet to an iron rod set, and
6. N 48° 23' 43" W 92.09 feet to the PLACE OF BEGINNING.

There are contained within these metes and bounds 0.153 acres, more or less, of land area as prepared from public records and surveys made on the ground during July, 1989 and May, 1993 by Byrn & Associates, Inc. of San Marcos, Texas. All iron rod set are 1/2" in diameter and have an aluminum cap with "Byrn & Assoc. Survey" stamped on it.



David C. Williamson, R.P.L.S. No. 4190

Client: San Marcos, City of
Date: May 11, 1993
Survey: Veramendi, J.M. No. 2
Co.: Hays, Tx.
Job No.: 22585-89
FND0x153

"MORRISON TRACT"
EXHIBIT "1"
Page 2 of 3
ATTACHMENT "D"
Page 4 of 8

RAH

1218 757

OLD POST ROAD

ORIGINAL SCALE
1" = 50'

LEGEND

- IRON ROD FOUND
- IRON ROD SET
- ▲ FENCE POST
- X — X — WIRE FENCE
- — — — UTILITY POLE AND LINE
- ⊙ VOL PG HAYS COUNTY DEED RECORDS

303
635

JIMMY C. PARKER ET UX TO
REECE MORRISON ET UX
NOVEMBER 23, 1977
(9.10 AC.)

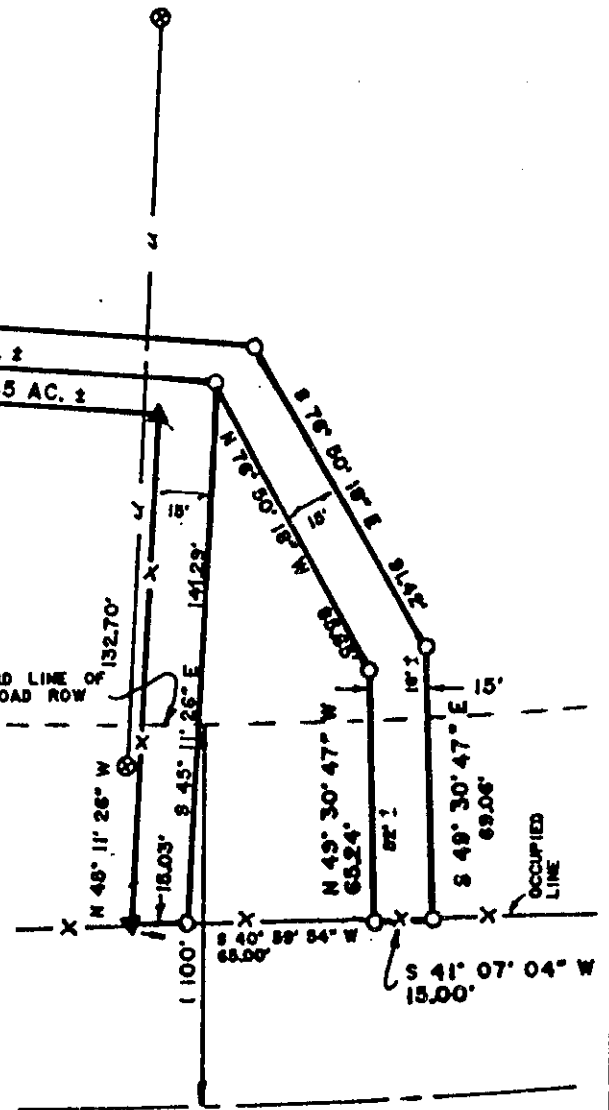
130
314

C.C. McNEIL ET UX TO
ALONZO HARDGE
AUGUST 8, 1944

19

S. DIXON ET UX TO
INTERNATIONAL RAILROAD CO.
(200' WIDE STRIP)
SEPTEMBER 20, 1871

RECORD LINE OF
RAILROAD ROW



I HEREBY STATE TO THE BEST OF MY
SKILL AND KNOWLEDGE: THAT THIS PLAT
IS TRUE AND CORRECT ACCORDING TO AN
ACTUAL SURVEY MADE ON THE GROUND
DURING JULY, 1989, AND MAY, 1993.

David C. Williamson
DAVID C. WILLIAMSON, R.F.S., NO. 4196

**BYRN &
ASSOCIATES, INC.**

ENGINEERS SURVEYORS

281 South C.M. Allen Parkway
P.O. Box 1443
San Marcos, Texas 78667
(512) 394-2270

CLIENT: SAN MARCOS, CITY OF
DATE: MAY 14, 1993
OFFICE: WILLIAMSON
CREW: BRYANT, EVERETT
FB/PG: 343/13, 396/13
JOB NO.: 22585-89-A-1

EXHIBIT "1"
Page 3 of 3
ATTACHMENT "D"
Page 5 of 8

SURVEY OF 0.298 +/- ACRES IN
THE J.M. VERANNEDI SURVEY,
NO. 2, HAYS COUNTY, TEXAS.

Rax

DESCRIPTION OF 0.145 ACRES, MORE OR LESS, OF LAND AREA, IN THE J. M. VERAMENDI SURVEY NO. TWO, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT 9.10 ACRE TRACT DESCRIBED IN A DEED FROM JIMMY C. PARKER ET UX TO REECE MORRISON ET UX DATED NOVEMBER 23, 1977 AND RECORDED IN VOLUME 303, PAGE 635 OF THE HAYS COUNTY DEED RECORDS, AND BEING A PORTION OF THE INTERNATIONAL AND GREAT NORTHERN RAILROAD RECORD RIGHT-OF-WAY AS GRANTED TO IT IN A DEED DATED SEPTEMBER 20, 1871, AND RECORDED IN VOLUME H, PAGE 19 OF THE HAYS COUNTY DEED RECORDS (SAID PORTION OF THE RAILROAD RIGHT-OF-WAY HAVING BEEN UNDER FENCE AND OCCUPIED BY MORRISON AND PREVIOUS OWNERS) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at fence corner post for the southerly west corner of the Morrison tract and this tract in the east line of Old Post Road as fenced and used upon the ground;

THENCE leaving the PLACE OF BEGINNING as shown on that plat numbered 22585-89-A-1 dated May 11, 1993, as prepared for the City of San Marcos by Byrn & Associates, Inc. of San Marcos, Texas, with the common line, as fenced, of the Morrison tract and Old Post Road N 06° 07' 29" W 19.03 feet to an iron rod set for the north corner of this tract;

THENCE crossing the Morrison tract, the following five courses:

1. S 48° 23' 43" E 92.09 feet to an iron rod set,
2. S 47° 18' 10" E 117.97 feet to an iron rod set,
3. N 77° 07' 37" E 39.02 feet to an iron rod set,
4. N 46° 22' 48" E 181.04 feet to an iron rod set, and
5. S 45° 11' 26" E 141.29 feet to an iron rod set for the east corner of this tract in the common line, as fenced and used upon the ground, of the Morrison tract and the railroad right-of-way, pass at approximately 89 feet the record common line of the Morrison tract and the railroad right-of-way,

THENCE with said common line as fenced S 40° 59' 54" W 15.03 feet to a fence corner post for the occupied easterly south corner of the Morrison tract and the east corner of that tract described in a deed from C.C. McNeil et ux to Alonzo Hardge dated August 8, 1944 and recorded in Volume 130, Page 314 of the Hays County Deed Records;

THENCE with the common line, as fenced, of the Hardge tract and the Morrison tract, the following two courses:

1. N 45° 11' 26" W 132.70 feet to a fence corner post for a north corner of the Hardge tract and interior corner of the Morrison tract, pass at approximately 52 feet the record common line of the Morrison tract and the railroad right-of-way and
2. S 46° 22' 48" W 169.06 feet to an iron rod set for an angle point, from which a fence corner post for the westerly south corner of the Morrison tract and interior corner of the Hardge tract bears S 46° 22' 48" W 38.88 feet;

RAH

1218 759

THENCE crossing the corner of the Morrison tract S 77° 07' 37" W 47.04 feet to an iron rod set in the common line, as fenced and used upon the ground, of the Morrison tract and the Hardge tract, from which the fence corner post for the westerly south corner of the Morrison tract and interior corner of the Hardge tract bears S 47° 18' 10" E 24.10 feet;

THENCE with the common line, as fenced, of the Hardge tract and the Morrison tract, the following two courses:

1. N 47° 18' 10" W 123.14 feet to a fence post for an angle point and
2. N 48° 23' 43" W 55.53 feet to a fence corner post for the westerly north corner of the Hardge tract in the aforereferenced east line, as fenced, of old Post Road,

THENCE with the common line, as fenced, of the Morrison tract and old Post Road N 55° 31' 15" W 22.56 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds 0.145 acres, more or less, of land area as prepared from public records and surveys made on the ground during July, 1989 and May, 1993, by Byrn & Associates, Inc. of San Marcos, Texas. All iron rod set are 1/2" in diameter and have an aluminum cap with "Byrn & Assoc. Survey" stamped on it.


David C. Williamson, R.P.L.S. No. 4190

Client: San Marcos, City of
Date: May 11, 1993
Survey: Veramendi, J.M. No. 2
Co.: Hays, Tx.
Job No.: 22585-89
FND0x145

Doc# 397741
Pages: 23
Date : 04-08-1996
Time : 02:03:53 P.M.
Filed & Recorded in
Official Records
of Hays County, TX.
MARGIE T VILLALPANDO
COUNTY CLERK
Rec. \$ 53.00

"MORRISON TRACT"
EXHIBIT "2"
Page 2 of 3
ATTACHMENT "D"
Page 7 of 8

RAF

1218 760

ORIGINAL SCALE
1" = 50'

OLD POST ROAD

LEGEND

- IRON ROD FOUND
- IRON ROD SET
- ▲ FENCE POST
- x—x— WIRE FENCE
- ⊙— Utility POLE AND LINE
- ⊙ VOL. PG. HAYS COUNTY DEED RECORDS

303
635

JIMMY C. PARKER ET UX TO
REECE MORRISON ET UX
NOVEMBER 23, 1977
(9.10 AC.)

130
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C.C. McNEIL ET UX TO
ALONZO HARDGE
AUGUST 8, 1944

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S. DIXON ET UX TO
INTERNATIONAL RAILROAD CO.
(200' WIDE STRIP)
SEPTEMBER 20, 1871

RECORD LINE OF
RAILROAD ROW

OCCUPIED
LINE

CENTERLINE RAILROAD TRACKS

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David Williamson
DAVID C. WILLIAMSON, R.P.L.S. NO. 4196

**BYRN &
ASSOCIATES, INC.**

ENGINEERS SURVEYORS

322 South C.M. Allen Parkway
P.O. Box 1433
San Marcos, Texas 78667
(512) 390-2270

CLIENT: SAN MARCOS, CITY OF
DATE: MAY 11, 1993
OFFICE: WILLIAMSON
CREW: BRYANT, EVERETT
FB/PG: 343/13, 306/18
JOB NO.: 22585-89-A-1

EXHIBIT "2"
Page 3 of 3
ATTACHMENT "D"
Page 8 of 8

SURVEY OF 0.298 +/- ACRES IN
THE J.M. VERANNEDI SURVEY,
NO. 2, HAYS COUNTY, TEXAS.

Raw

1218 761

COUNTY OF HAYS
This instrument was FILED on
the 8th day of APRIL 1996 at 10:00 AM and was duly
RECORDED in the Public Records of Hays County, Texas, as shown by the
indexing and recording of this instrument.

APR 8 1996



Margaret S. Villalobos
COUNTY CLERK
HAYS COUNTY, TEXAS

RETURN TO:

CITY OF SAN MARCOS
ATTN: Legal Dept.
630 East Hopkins Street
San Marcos, TX 78666

~~CITY OF SAN MARCOS
ATTN: Legal Dept.
630 East Hopkins Street
San Marcos, TX 78666~~